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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,181	01/26/2004	Jun Kakuta	1466.1085	6518
21171 7590 06/26/2007 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
			EXAMINER ROBINSON BOYCE, AKIBA K	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 06/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/763,181

Applicant(s)

KAKUTA ET AL.

Examiner

Akiba K. Robinson-Boyce

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/13/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 1/26/04, the following is a non-final first office action. Claims 1-8 are pending in this application and have been examined on the merits. Claims 1-8 are rejected as follows.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2, 3, 4, 5 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "a larger area as the quantity indicated by the parameter is larger", "is defined as a larger area as the time indicated by the parameter is longer", "of the customer newly/performs the decision newly", "was obtained newly" and "as the quantity indicated by the parameter is smaller" in claims 2, 3, 4, 5 and respectively, are relative terms that render the claims indefinite. The terms "a larger area as the quantity indicated by the parameter is larger", "is defined as a larger area as the time indicated by the parameter is longer", "of the customer newly/performs the decision newly", "was obtained newly" and "as the quantity indicated by the parameter is smaller" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of

the scope of the invention. For this reason, the entire claim and the scope of the invention unclear.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnes (US 2003/0065805 A1).

As per claims 1, 8, Barnes discloses:

a request acceptance portion for accepting a request for providing a service/ means for processing an acceptance of a request..., ([0155]-[0056], receiving user input and optionally enter into a commercial exchange to buy a product);

a current position information obtaining portion for obtaining current position information that indicates a current position of a customer who made the request/ means for obtaining current position information..., ([0316], lines 1-4, device monitors location of user);

an area information storage portion for storing area information that defines a predetermined area around a provision position of the service/ means for obtaining area information..., ([0162], database may store available points of interest [vendor locations]

limited to a predetermined area, w/ [0316], restricted location w/[0135], restrictions stored in device, w/ [0141], data storage rules based on location of user);

an existence decision portion for deciding whether or not the customer who made the request is within the predetermined area in accordance with the current position information and the area information/ means for deciding whether or not..., ([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location); and

a reservation acceptance processing portion that performs a reservation acceptance process for accepting a reservation of the service that relates to the request when it is decided that the customer who made the request is within the predetermined area and does not perform the reservation acceptance process when it is decided that the customer is not within the predetermined area/ means for performing a process..., ([0277], user can use the device to request vendor information, which includes vendor location info and upon receiving satisfactory vendor information, reservation can be made, w/ [0321], if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation).

As per claim 2, Barnes discloses:

further comprising a provided quantity information obtaining portion for obtaining provided quantity information concerning a quantity of the service that can be provided, wherein the area information has a parameter that indicates the quantity, so that the predetermined area is defined as a larger area as the quantity indicated by the parameter is larger, and the existence decision portion performs the decision by

deciding whether or not the customer who made the request is within an area that is defined in accordance with the quantity indicated by the provided quantity information and the area information, ([0181], quantity, w/[0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/ [0316], restricted location w/[0135], restrictions stored in device, w/ [0141], data storage rules based on location of user).

As per claim 3, Barnes discloses:

wherein the request acceptance portion accepts the request together with a designation of a desired time for receiving the service, the area information has a parameter that indicates a time so that the predetermined area is defined as a larger area as the time indicated by the parameter is longer, and the existence decision portion performs the decision by deciding whether or not the customer who made the request is within an area that is defined in accordance with the time related to the designation and the area information, ([0032], predetermined distance may be for different times, w/[0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/ [0316], restricted location w/[0135], restrictions stored in device, w/ [0141], data storage rules based on location of user).

As per claim 4, Barnes discloses:

wherein if a request for a temporary reservation is received from the customer after the result of the decision that the customer who made the request is not within the predetermined area is obtained, the current position information obtaining portion obtains the current position information of the customer newly, the existence decision

portion performs the decision newly in accordance with the newly obtained current position information, and the reservation acceptance processing portion performs the reservation acceptance process if it is decided by the newly performed decision that the customer is within the predetermined area, ([0015], triggering an action based on change in location data).

As per claim 5, Barnes discloses:

an arrival time forecast portion for forecasting a time of arrival when the customer who made the request for the reservation that was processed by the reservation acceptance process will arrive at the provision position, ([0176], estimate arrival time);

an arrival possibility decision portion for deciding whether or not the customer who made the request will arrive by the forecasted time of arrival in accordance with the time of arrival, the present time and the current position information of the customer that was obtained newly after the reservation acceptance process had been performed, ([0211], transmits a time user should arrive); and

a cancel processing portion for performing a process for canceling the reservation related to the request when it is decided that the customer who made the request will not arrive by the forecasted time of arrival, ([0211], counterfeit tickets, therefore inherent that reservation is cancelled).

As per claim 6, Barnes discloses:

a request acceptance portion for accepting a request for parking a car in the parking lot, ([0155]-[0056], receiving user input and optionally enter into a commercial exchange to buy a product, w/ [0100], parking lot);

a current position information obtaining portion for obtaining current position information that indicates a current position of a customer who made the request, ([0316], lines 1-4, device monitors location of user);

an area information storage portion for storing area information that defines a predetermined area around the parking lot, ([0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/ [0316], restricted location w/[0135], restrictions stored in device, w/ [0141], data storage rules based on location of user);

an existence decision portion for deciding whether or not the customer who made the request is within the predetermined area in accordance with the current position information and the area information, ([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location); and

a reservation acceptance processing portion that performs a reservation acceptance process for accepting a reservation of the parking lot for the customer when it is decided that the customer who made the request is within the predetermined area and does not perform the reservation acceptance process when it is decided that the customer is not within the predetermined area, ([0277], user can use the device to request vendor information, which includes vendor location info and upon receiving satisfactory vendor information, reservation can be made, w/ [0321], if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation).

As per claim 7, Barnes discloses:



a traffic information obtaining portion for obtaining traffic information around the parking lot or the customer who made the request, the traffic information being transmitted from an information providing portion, ([0327, receiving information relating to traffic at point of interest, w/ [0100], where point of interest can be a parking lot); and

a demand forecast portion for forecasting a future demand of the parking lot in accordance with the obtained traffic information, ([0164], shows traffic delays and selecting available points of interest [parking lots] meeting selection criteria to which user will have shortest travel time);

wherein the area information has a parameter that indicates a quantity of the demand, so that the predetermined area is defined as a larger area as the quantity indicated by the parameter is smaller, ([0162], database may store available points of interest [vendor locations/parking lots] limited to a predetermined area, w/ [0316], restricted location w/[0135], restrictions stored in device, w/ [0141], data storage rules based on location of user); and

the existence decision portion performs the decision by deciding whether or not the customer who made the request is within an area that is defined in accordance with the forecasted demand and the area information, ([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in cursive script, followed by the date "6/20/07".

A. R. B.  
June 20, 2007